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10/697,010	10/31/2003	Ramon Vega	82104365	8251

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EXAMINER	
ZHU, RICHARD Z	
ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/697,010	VEGA ET AL.	
	Examiner	Art Unit	
	RICHARD ZHU	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2012*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1,2,6-12 and 16-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1, 2, 6-12, and 16-20* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgement

1. Acknowledgement is made of applicant's amendment made on 01/30/2012. Applicant's submission filed has been entered and made of record.

Response to Applicant's Arguments

2. **Amendment to the claims are insufficient to overcome rejections made under 112 2nd:**

The Board of Patent Appeals and Interference ("the board") premised its rejection on the basis that (1) the specification is silent as to what "less frequently" means, (2) it is unclear what a "subsequent pass" is, and (3) how each "pass" or "subsequent pass" relates to the availability for use of the printing elements.

While the amendment satisfied (2), however, applicant has not satisfied the board's requirement to define the scope of "less frequently". In the board's opinion, the metes and bounds of the claims cannot be determined because the specification is silent as to what "less frequently" means (**opinion, p. 6 at ¶2**). The board was further confounded by "how is it available for use "less frequently" in a "pass". In the context of the current claims, it is unclear how newly made available nozzles are available for use "less frequently" than the existing elements in a group of nozzles already in use because "less frequently" remained undefined.

For substantive rejection purposes, "less frequently" is understood in accordance to the definition provided by ***Fuse***, "frequency" is functionally correlated with the number of nozzle ink discharging actions (**Col 13, Rows 55-56**).

3. **In response to "**Mamyama never teaches or suggests that, once a nozzle is brought into use, it is used less frequently, for a period of time, that nozzles that were already in use. Maruyama never teaches or suggests a method "wherein each element newly made available to tile group is initially, For a period of time, used less frequently than the existing elemerit(s) in the group already in use." (Claim 1)**"**.

Agreed. However, this limitation presents no novelty or nonobviousness. The concept of driving a nozzle newly brought into use at a frequency below normal printing frequency is well known in the art. For example, ***Fuse*** discloses, before actual print operation, nozzles need to be prepared to prevent print failure and non-discharge of ink (**Col 11, Rows 23-27**). From experimental results, ***Fuse*** concluded that it is preferred to drive nozzles newly introduced for printing print data (**Col 15, Rows 1-8**) at a frequency lower than normal print drive frequency (**Col 12, Rows 30-38**).

The critical teaching of ***Fuse*** suggests to one skilled in the art that driving newly introduced nozzles at a frequency below normal print frequency (**i.e., the frequency at which nozzles that were already in use were being driven at**) to print actual print data presents superior advantage over ***Masuyama***. Specifically, one of ordinary skill in the art at the time of the invention, in light of ***Masuyama***'s admission that its preliminary ejection process to prepare nozzles wastes ink (**Col 10, Rows 60-62**) and it wastes time (**Col 10, Rows 63-65**), would've modify nozzles newly made available for using to be driven at a frequency that is less than the existing elements in the group already in use.

True, ***Fuse*** does not introduce nozzles to be used in groups in the manner described by ***Masuyama***. However, the strength of the logical connection between ***Fuse***'s normal print

frequency and ***Masuyama***'s frequency at which existing elements in the group already in use were being driven at strongly suggests to one skilled in the art to adopt ***Fuse***'s concept of driving newly introduced nozzles at a preparatory frequency less than the frequency at which existing elements in the group already in use were being driven at. Indeed, a person of ordinary skill is a person of ordinary creativity, not an automaton. *KSR Int'l. co. v. Teleflex Inc*, 550 U.S. 398, 421 (2007).

Thus, the claimed invention would've obvious in view of ***Maruyama*** and ***Fuse***.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 20 is rejected under 35 USC 101 as directing toward non-statutory subject matter.

Regarding Claim 20, "functional descriptive material" consists of data structures, computer programs which impart functionality when employed as a computer component are non-statutory when claimed as descriptive material per se. See MPEP 2106.01. When functional descriptive material is recorded on a non-transitory computer readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory since use of technology permits the function of the descriptive material to be realized. In re Lowry, 32 F.3d 1579, 1583-84 (Fed.Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency).

Examiner further notes that when nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Here, the scope of Claim 20 includes transitory mediums such as "signal".

A "signal" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material. *Diamond v. Diehr,* 450 U.S. 175, 185-86 (1981).

Claim Rejections - 35 USC § 112

6. 35 U.S.C. 112 reads as follows:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 6-12, and 16-20 are rejected under 35 USC 112 for failure to particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The Board of Patent Appeals and Interference ("the board") premised its rejection on the basis that (1) the specification is silent as to what "less frequently" means, (2) it is unclear what a "subsequent pass" is, and (3) how each "pass" or "subsequent pass" relates to the availability for use of the printing elements.

While the amendment satisfied (2), however, applicant has not satisfied the board's requirement to define the scope of "less frequently". In the board's opinion, the metes and bounds of the claims cannot be determined because the specification is silent as to what "less

frequently" means (**opinion, p. 6 at ¶2**). The board was further confounded by "how is it available for use "less frequently" in a "pass". In the context of the current claims, it is unclear how newly made available nozzles are available for use "less frequently" than the existing elements in a group of nozzles already in use because "less frequently" remains undefined.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-2, 6-8, 10-14, 16, and 18-20 are rejected under 35 USC 103(a) as being unpatentable over ***Maruyama et al. (US 6871934 B2)*** in view of ***Fuse. (US 5673071 A)***.

Regarding Claim 1, ***Maruyama*** discloses a method of operating a printer comprising an array of dot printing elements extending in a first direction relative to a page to be printed and which prints at least a part of the page during relative movement between the array and the page (**Col 4, Rows 45-65, a printhead comprising a plurality of nozzles moved in the main scanning direction and the paper medium being moved relative to the nozzles in the sub-scanning direction**), the array comprising a plurality of groups of elements with redundancy among the elements of the group (**Col 5, Rows 16-35, different nozzles are used to print different dots**), the method comprising, in respect of at least one of said

groups, initially commencing printing using a subset of the elements in the group (**Col 5, Rows 30-35, keeping a subset of nozzles out of use when printing is first commenced**) and, during the course of printing, increasing the number of elements available to print in the group (**Fig 4, and see Col 5, Rows 58 – Col 6, Row 20**);

wherein the number of elements in the group available for print is increased as a function of the number of firing pulses sent to the elements of the group (**Col 5, Rows 1-10 in view of Col 10, Rows 25-35, see also Figs 4 and 8. A pulse P1 is applied a nozzle to eject ink from the nozzle and P2 is applied to make a nozzle available for printing. In Fig 4, nozzles with P1 applied are marked with "o" and nozzles with P2 applied are marked with "x". As one can observed from Fig 4, the number of elements in the printhead available for printing increases from pass N-3 to N+5 as more and more pulses P1 and P2 are applied to respective Nozzles 1-16. For example, in N-3, only four nozzles 1-4 are available since only four P1 pulses are applied. But in pass N+5, nozzles 1-16 are available for printing since 16 P1 pulses are applied. This reads on the claimed limitation**).

Masuyama does not teach wherein each element newly made available to the group is initially, for a period of time, used less frequently than the existing elements in the group already in use.

Fuse discloses a method for preparing a printhead for printing (**Abstract, a preparatory head drive method**) wherein each element in a printhead newly made available for printing is initially, for a period of time, is use less frequently at a drive frequency lower

than a normal print head drive frequency (**Col 12, Rows 20-38, preparatory discharge of ink is driven at a frequency that is lower than the normal drive frequency for printing**).

Fuse suggests a method for preparing nozzles initially left unused for a period of time for normal printing conditions (**Col 3, Rows 22-28**). The critical teaching of ***Fuse*** suggests to one skilled in the art that driving newly introduced nozzles at a frequency below normal print frequency (**i.e., the frequency at which nozzles that were already in use were being driven at**) to print actual print data presents superior advantage over ***Masuyama***.

Furthermore, one of ordinary skill in the art at the time of the invention, in light of ***Masuyama***'s admission that its preliminary ejection process to prepare nozzles wastes ink (**Col 10, Rows 60-62**) and it wastes time (**Col 10, Rows 63-65**), would've modify nozzles newly made available for using to be driven at a frequency that is less than the existing elements in the group already in use. Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify the printhead of ***Maruyama*** to use elements or nozzles newly made available to the group less frequently by setting head drive frequency of elements newly made available to be lower than the normal print head drive frequency of existing elements, for the duration of preparatory drive period, whereas the motivation would've been to prepare printhead for printing with reduced ink and preparation time consumption (***Fuse*****, Col 3, Rows 20-40**).

Regarding Claim 2, ***Maruyama*** discloses wherein each redundant group is arranged to print a respective row of dots (**Col 5, Rows 15-35, multi-pass printing assigns a fraction**

of the total amount of nozzles to print a respective portion of an image or rows of dots in the direction in which the printhead is conveyed).

Regarding Claim 6, ***Maruyama*** discloses wherein at least one element in the group is serviced prior to printing so that it is at least partially operational at the commencement of the print job, printing being commenced using the said at least one serviced element and one non-serviced element (**Col 6, Rows 1-20, preparing the nozzles identified for printing in a first pass for printing while nozzles identified for printing in a second pass is not service yet**).

Masuyama does not teach wherein the non-serviced element initially is made available for use less frequently than the said at least one serviced element.

Fuse discloses a method for preparing a non-serviced printhead for printing (**Abstract, a preparatory head drive method**) wherein prior to any printing, the non-serviced printhead is serviced (**Col 21, Row 4 – Col 22, Row 67, service routine involves driving nozzles to eject ink on the basis of print data received, see Col 15, Rows 1-8. See for example Col 15, Rows 1-65, nozzle drive mode 1**) wherein the non-serviced element initially is made available for use less frequently than the said at least one serviced element (**Col 15, Rows 60-64 and Col 12, Rows 20-38. A fully serviced nozzle would be driven at a normal drive frequency wherein a non-service nozzle initially made available for printing at a drive frequency that is less than the normal drive frequency until the printhead is fully warmed up to a preset temperature, see Col 23, Rows 1-10. Still further, a preparatory head drive frequency is applied to nozzles being made available**

for printing that does not eject ink but nonetheless raise its temperature, See Col 15, Rows 14-30).

Masuyama as modified by ***Fuse*** would modify the two passing printing technique as disclosed in Fig 4 to drive serviced nozzles that has been in use at a normal printhead drive frequency and to drive non-serviced that is made newly available at a drive frequency that is less than the normal printhead drive frequency in order to ensure the non-serviced nozzle reaches the proper temperature as taught by equation 2 of ***Fuse*** (**Col 23, Rows 1-10**) where ejection of ink would be stable.

Regarding Claim 7, ***Maruyama*** discloses prior to commencing printing, identifying portions of the array of printing elements which will be needed at least for a first pass of the array relative to the first page of the print job, and servicing printing elements according to the array portions so identified whereby one or more printing elements outside the identified array portions are not serviced (**Col 6, Rows 1-20, identifying a subset of nozzles for a first printing pass and perform preliminary service on said nozzles only**).

Regarding Claim 10, ***Maruyama*** discloses wherein the printer is an inkjet printer and the dot printing elements are inkjet nozzles (**Col 4, Rows 45-65**).

Regarding Claim 11, ***Maruyama*** discloses an incremental printer (**Figs 1-2**) comprising a plurality of printing elements grouped into redundant groups, each group being arranged to print substantially different portions of a given page of a printjob (**Col 5, Rows 10-35, multi-pass printing where different nozzles are used to print different dots**), the

incremental printer, when commencing a printjob, controlling at least one redundant group of printing elements such that only a subset of the printing elements in that group are used to print (**Col 5, Rows 30-35, keeping a subset of nozzles out of use when printing is first commenced**), the incremental printer being further arranged to subsequently increase the number of printing elements in that group which are used to print (**Fig 4, and see Col 5, Rows 58 – Col 6, Row 20**);

wherein the number of elements in the group available for print is increased as a function of the number of firing pulses sent to the elements of the group (**Col 5, Rows 1-10 in view of Col 10, Rows 25-35, see also Figs 4 and 8. A pulse P1 is applied a nozzle to eject ink from the nozzle and P2 is applied to make a nozzle available for printing. In Fig 4, nozzles with P1 applied are marked with "o" and nozzles with P2 applied are marked with "x". As one can observed from Fig 4, the number of elements in the printhead available for printing increases from pass N-3 to N+5 as more and more pulses P1 and P2 are applied to respective Nozzles 1-16. For example, in N-3, only four nozzles 1-4 are available since only four P1 pulses are applied. But in pass N+5, nozzles 1-16 are available for printing since 16 P1 pulses are applied. This reads on the claimed limitation**).

Maruyama does not teach the printer being further arranged, when increasing the number of printing elements in subset of that group, to cause the one or more printing elements newly included in the subset to print for a predetermined duration at a frequency lower than that of one or more printing elements previously included in the subset.

Fuse discloses a method for preparing a printhead for printing (**Abstract, a preparatory head drive method**) wherein each element in a printhead newly made available for printing is initially, for a period of time, is use less frequently at a drive frequency lower than a normal print head drive frequency (**Col 12, Rows 20-38, preparatory discharge of ink is driven at a frequency that is lower than the normal drive frequency for printing**).

Fuse suggests a method for preparing nozzles initially left unused for a period of time for normal printing conditions (**Col 3, Rows 22-28**). The critical teaching of ***Fuse*** suggests to one skilled in the art that driving newly introduced nozzles at a frequency below normal print frequency (**i.e., the frequency at which nozzles that were already in use were being driven at**) to print actual print data presents superior advantage over ***Masuyama***.

Furthermore, one of ordinary skill in the art at the time of the invention, in light of ***Masuyama***'s admission that its preliminary ejection process to prepare nozzles wastes ink (**Col 10, Rows 60-62**) and it wastes time (**Col 10, Rows 63-65**), would've modify ***Masuyama*** such that when increasing the number of printing elements in the subset of that group, to cause printing elements newly included in the subset to print at a frequency lower than that of the printing elements previously included in the subset for the duration of preparatory driving period for the newly introduced elements. The motivation would've been to prepare printhead for printing with reduced ink and preparation time consumption (***Fuse*****, Col 3, Rows 20-40**).

Regarding Claim 12, ***Maruyama*** discloses wherein each redundant group is arranged to print a row or column of image data (**Col 5, Rows 15-35, multi-pass printing**

assigns a fraction of the total amount of nozzles to print a respective portion of an image or rows of dots in the direction in which the printhead is conveyed. See *Girones*, Col 26, Rows 31-37).

Regarding Claim 16, ***Maruyama*** discloses wherein at least one element in that group is serviced prior to commencing the printjob (**Col 6, Rows 1-20, preparing the nozzles identified for printing in a first pass for printing while nozzles identified for printing in a second pass is not service yet**).

Regarding Claim 18, ***Maruyama*** discloses wherein the printer is an inkjet printer and the printing elements are inkjet nozzles (**Col 4, Rows 45-65**).

Regarding Claims 19-20, ***Maruyama*** does not expressly disclose a control circuit or a control program although it should be inherent that it does in order to execute all the process as disclosed.

Fuse discloses a printer control circuit adapted to control a printer to perform the method of inkjet printing and a computer readable medium containing program instruction which, when executed by a data processing device, control a printer to perform the method of inkjet printing (**Col 5, Row 55 – Col 6, Row 8, CPU 3 implementing a program stored in ROM 6**).

Fuse discloses a method for printing that is very similar to ***Maruyama*** (***Fuse*****, Col 16, Rows 20-35, nozzle drive mode 2**). Therefore, it would've been obvious to one of ordinary

skill in the art at the time of the invention to modify ***Maruyama***'s printer with the control system of ***Fuse*** in order to ensure smooth control of inkjet printing.

10. Claims 9 and 17 are rejected under 35 USC 103(a) as being unpatentable over the combined teachings of ***Maruyama et al. (US 6871934 B2)*** and ***Fuse. (US 5673071 A)*** in view of ***Audi et al. (US 6705697 B2)***.

Regarding Claims 9 and 17, the combined teachings do not disclose wherein the array of printing elements extends substantially fully across the page in the first direction.

Audi discloses incremental printer (**Fig 7**) comprising a plurality of printing elements grouped into redundant groups (**Col 3, Rows 52-65**), each group being arranged to print substantially different portions of a given page of a printjob (**Col 4, Row 60 – Col 5, Row 5**), the incremental printer being adapted, when commencing a printjob, to control at least one redundant group of printing elements such that only a subset of the printing elements in that group are used to print (**Col 5, Rows 30-35, keeping a subset of nozzles out of use when printing is first commenced**), the incremental printer being further arranged to subsequently increase the number of printing elements in that group which are used to print (**Col 7, Rows 25-40, offset or incremental printing; assign a first subset of nozzles to print a different scanline relative to a second subset of nozzles, see Col 6, Rows 34-38**);

wherein the plurality of printing elements form a page wide or a page high array or the array of printing elements extends substantially fully across the page in the first direction (**Col 3, Rows 60-65, page width nozzle array**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the structure of the combined teachings with the page width nozzle array configuration of ***Audi*** whereas the motivation would've been to provide "a page width printer controller that is operable to achieve collinear page width printing for use with a continuously moving recording medium that avoids at least some of the cost associated with reconfiguration of" printing raster data (***Audi*, Col 2, Rows 43-47**).

11. Claim 8 is rejected under 35 USC 103(a) as being unpatentable over the combined teachings of ***Maruyama et al. (US 6871934 B2)*** and ***Fuse. (US 5673071 A)*** in view of ***Girones et al. (US 6238112 B1)***.

The combined teachings do not disclose wherein faulty printing elements, as identified by a faulty printing element database, are excluded from being made available to the group.

Girones discloses a printer with at least one printhead comprising a plurality of nozzles (**Col 9, Rows 18-34**) with redundancy (**Col 26, Rows 31-37**) having a method of printing comprising:

performing a plurality of drop tests throughout the course of printing a single plot to determine the latest health status of the plurality of nozzles (**Col 16, Rows 20-54 and see Col 17-18, various scores and indicia indicating the health status of nozzles**);

determine, on the basis of the latest health status of the plurality of nozzles, a probability that each nozzle would work through out the course of printing (**Fig 3 and see**

Col 25, Rows 5-45, the value of probability changes through out the course of printing after each drop detecting test, Col 25, Rows 40-44) ;

wherein the process of printing comprising:

commence printing with a group or subset of nozzles initially (**Col 26, Rows 30-37**);

continue printing with a subsequent subset of nozzles made newly available to the group for use in a subsequent pass of the printing (**Col 26, Rows 38-52**);

throughout said process of printing, design and otherwise update a printmask that sets the frequency of fire for each nozzle within the group on the basis of the health status of the nozzles employed in the printing process (**Col 26, Rows 53-60 and Rows 65-67**) after each drop test (**Col 24, Rows 5-15, the process of "error hiding"**);

wherein if it is determined that any element or nozzle made newly available for subsequent pass of printing has a lower probability of working than nozzles within the current group, it is initially set to a frequency of firing that is lower than the frequency of firing of nozzles with higher probabilities of working (**Col 27, Table 7, initial printmask, Col 28, Table 9, updated printmask, and see Col 27-28, the process for designing a updated printmask, the lower frequency of firing being zero. That is, the examiner understands the act of firing an inkjet inherently implies a predetermined inkjet firing frequency that is not zero wherein restricting an inkjet from firing by a printmask implies a firing frequency of zero because zero ink was jetted during said pass**).

wherein faulty printing elements, as identified by a faulty printing element database, are excluded from being made available to the group (**Fig 11, Step 1130 and see Col 19, Rows 22-30 and see Col 17, Rows 40-45, nozzles identified as permanent defect are excluded from being service and hence from ever being assign a frequency of firing ink in any subsequent modification of printmask**).

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of the combined teachings with the hardwares and softwares to implement the drop detection test, nozzle health status determination, work probability calculations, and printmask designing as taught by ***Girones*** so as to adaptively assign workload and frequency of firing to nozzles newly introduced in a subsequent pass of printing on the basis of its latest health status whereas the motivation would've been to provide a printer with error hiding capability that ensures minimum acceptable printing quality in the event that any printhead nozzle is determined to be in a state of failure or with a high probability of failure (***Girones*, Col 24, Rows 1-14**).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard Z. Zhu/
Primary Examiner
Art Unit 2625

/KING POON/

Supervisory Patent Examiner, Art Unit 2625

02/16/2011